



PAGE COUNTY BOARD OF SUPERVISORS

REGULAR MEETING-MINUTES

GENERAL DISTRICT COURTROOM

FEBRUARY 12, 2002

MEMBERS PRESENT: Elaine Mayberry, Chair, District 2

Robert Good, Vice-Chair, District 5

Nora Belle Comer, Supervisor, District 1

Allen Cubbage, Supervisor, District 3

Gerald Cubbage, Supervisor, District 4

ALSO PRESENT: Billy Aleshire, Zoning Administrator

(Acting County Administrator for meeting)

Rodger Smith, County Attorney

Jack Hennessy, Commonwealth Attorney

Sheriff Daniel Presgraves

Fritz Baukhages, Baughan & Baukhages

Ben Endicott, Director of Computer Services

Donna Hoke, Clerk

Arriving late- Dean BeLer, County Administrator

Matt Mathews, Esq. McGuire Woods

Call to order: 2:30 p.m.

Chair Mayberry called the meeting of February 12, 2002 to order, noting that the invocation would be given by Supervisor Allen Cubbage, in the loss of his cousin, followed by Vice Chair Good reciting the Pledge of Allegiance. Chair Mayberry noted that Mr. BeLer was in Charlottesville on business, but would hopefully be available for the evening portion of the meeting.

Adoption of agenda:

Chair Mayberry noted that the item listed as Litter Control Program/Consolidate with Gypsy Moth, would need to be discussed in closed session this afternoon, along with adding property acquisition to closed session. It was also noted by the Chair, that a second closed session would need to be added to the evening portion of the meeting.

MOTION:

Supervisor Good moved to approve the agenda as amended for the Board of Supervisor's meeting held February 12, 2002.

Supervisor Allen Cubbage seconded. The motion was carried by a vote

of 5-0.

AYES: Allen Cubbage, Gerald Cubbage, Nora Belle Comer,

Elaine Mayberry, and Robert Good.

NAYS: None

County Administrator's comments:

As acting County Administrator, Mr. Aleshire explained that Mr. John Rodgerson had not been awarded his full three minutes for citizen's comments at the last meeting. It was the recommendation to allow an additional three minutes for the meeting tonight, for a total of six minutes, should Mr. Rodgerson request comment time.

Mr. Aleshire concluded his comments by noting that each board member should have received copies of two letters from Tellurian Inc., addressing issues that have transpired over the past week.

County Office Building:

Mr. Baukhages was asked to address the Board with a brief update on the condition of the building. Mr. Baukhages noted that he was unable to bring with him a formal report, but stated that it would be

possible for a crew to do repairs. These repairs would need to be done in stages, with the end results allowing complete occupancy in the north wing for one to two years. The estimated cost would be between \$40,000 or \$50,000. Mr. Baukhages informed the Board that work done on the building may present some relocation or inconvenience to the occupants.

Battle Creek and DFA:

Mr. Endicott addressed the Board, offering a handout showing data pertaining to daily tonnage and revenue figures, giving positive news of an average daily net revenue in the amount of \$505.00. Mr. Endicott stated that Joan Dunn and himself had met with Mr. Bart Begley in late January to inquire about the problem with wind blown trash from the landfill and trucks. Mr. Begley noted that they have on-site inspectors checking that all loads are being recorded properly and spot checking for commercial hauls. This is being done to ensure compliance with the DEQ and EPA guidelines. Mr. Endicott concluded in stating that once a county engineer is on board, he/she will most likely set up training and guidelines for inspection staff.

Supervisors asked if anything was being done to control the mud problem at the landfill. Mr. Endicott indicated that they were still having problems with mud, and at this time did not have a solution, but that they were continuing to address this issue.

Boards and Commissions:

Chair Mayberry opened the discussion stating that Mr. Charles Meek had resigned from the Town of Shenandoah, therefore leaving a vacant appointment on the Shenandoah Valley Regional Planning Commission. It was noted that the agenda packets contained a recommendation to contact the Chairpersons of each Board and Commission to obtain assistance from them in compiling a comprehensive list of members and their terms. After a brief discussion between the Supervisors, it was decided to table the issue, with the staff being directed to return next month with a completed list of committee members and their terms.

Budget Transfers & Appropriations: ([attachment # 1-Supplemental Appropriations](#), [Attachment #2- Budget Transfers](#))

Geraldine Cabbage informed the Board that Mr. BeLer had requested that she briefly go over the Supplemental Appropriations and Budget Transfers. After briefing the Board, Mrs. Cabbage answered all questions put to her by the Board.

Mr. Hennessy addressed the Board requesting the opportunity to discuss the position that was requested in his budget for fiscal year 2002. This position has not been funded by the Compensation Board, however, Mr. Hennessy requested that the Board consider continuing the funding of this position in this year's fiscal budget.

MOTION:

Supervisor Comer moved to budget and appropriate \$151,467.79 to the

General Fund, incorporating and attaching hereto the detailed requests and sources of funds.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Nora Belle Comer, Allen Cubbage,
Elaine Mayberry, and Gerald Cubbage.

NAYS: None

MOTION:

Supervisor Allen Cubbage moved to approve the interdepartmental operating budget transfers for FY 2002, totaling \$231,650.76, incorporating and attaching hereto the detailed request further; I move to approve the capital budget transfers totaling \$419,000.00.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Nora Belle Comer, Allen Cubbage,
Elaine Mayberry, and Gerald Cubbage.

NAYS: None

Award of Engineering Contract(s):

Mr. Endicott addressed the Board to explain the handout regarding the RFP's for engineering services. It was noted that after review and discussion, the committee would recommend that three separate contracts be awarded to one or more respondents. After ranking the applicants for the ability to meet the County's need, the

respondents were divided into solid waste engineering services, general engineering services, and geographic information systems services. After addressing questions from the Board, Mr. Endicott concluded in saying that there would be no action required at this time.

Mr. Aleshire noted that it was Mr. BeLer's recommendation to contract with more than one engineering firm, so that the county would have the flexibility to meet the demands of individual jobs.

Approval of minutes:

The Board reviewed and discussed the minutes presented in the agenda packet. It was the consensus of the Board that the minutes of 12/11/01, 01/15/02, 01/29/02, and 02/04/02 be amended and resubmitted at the next regular meeting of the Board. Chair Mayberry informed the Board that during the Chairman's Institute she attended, it was recommended that minutes from meetings be completed in draft form within five days of that meeting. Through previous conversation with Donna Hoke, Chair Mayberry noted that having five days available for strictly minute preparation would make it possible for draft minutes to be sent to Supervisors for review. After review, should the Supervisors find it necessary to change, the clerk could make adjustments before placing in the next month's agenda packets.

Approval of warrant list:

Geraldine Cubbage opened up the discussion by notifying the Board that check # 133978 needed to be removed from the warrant list. This check will still need to be researched through the appropriate staff who is presently absent on sick leave, and brought back for possible adjustments. Upon questioning, Sheriff Presgraves acknowledged that the \$20,152.00 was for the purchase of sheriff vehicles that had previously been budgeted. Mrs. Cubbage closed the discussion with answering questions addressed to her by the Board.

MOTION:

Supervisor Comer moved to approve accounts payable checks ranging

in numbers from 133761 through 133987, (excluding checks number

133892, and 133978) totaling \$519,319.75, Payroll checks ranging in

numbers from 206276 through 206415, totaling \$194,103.99 and Payroll

Electronic Transfer (F.I.C.A), Medicare, and Federal Withholding), totaling

\$66,825,54, for a grand total of \$780,249.28.

Supervisor Allen Cubbage seconded. The motion was carried by a vote of

5-0.

AYES: Nora Belle Comer, Allen Cubbage, Gerald Cubbage,

Robert Good, and Elaine Mayberry.

NAYS: None.

MOTION:

Supervisor Allen Cubbage moved to approve accounts payable check

#133892, payable to Dr. Mayberry, in the amount of \$80.00.

Supervisor Gerald Cubbage seconded. The motion was carried by a

vote of 5-0.

AYES: Robert Good, Nora Belle Comer, Allen Cubbage,

and Gerald Cubbage.

NAYS: None

ABSTAIN: Elaine Mayberry.

Consent agenda:

The Supervisors discussed the consent agenda, with Supervisor Gerald Cubbage asking that the item listed as Olver contract be pulled from the consent agenda. The following are the items remaining on the consent agenda for approval.

Grant and other financial reports, policy Dean

Audit for fiscal year 2001

Additional gas wells-Stanley landfill

Purchasing policy

Approval of financial report

MOTION

Supervisor Comer moved to approve the consent agenda as presented

with the exception of the removed item listed as Olver contract from

the consent agenda.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Nora Belle Comer, Elaine Mayberry,

Gerald Cubbage, and Allen Cubbage.

NAYS: None

Olver contract:

Supervisor Gerald Cubbage noted his concerns regarding the time frame of six months for renewal when additional engineering services may be approved, and could be used for this service. Further discussion took place pertaining to future arrangements of possible engineering services.

MOTION:

Supervisor Good moved to approve to extend the Engineering Services

with Olver, Inc. for six (6) months, under the same terms and conditions,

to include an option for an additional six months, with the extension

agreement to cancel at anytime necessary.

Supervisor Allen Cubbage seconded. The motion was carried by a vote of

5-0.

AYES: Elaine Mayberry, Allen Cubbage, Nora Belle Comer,

and Robert Good.

NAYS: Gerald Cubbage.

Old Business:

Budget and CIP:

Mr. Aleshire recommended that these issues be delayed until the County Administrator could be present to offer the information.

Appointments:

Supervisor Comer noted that at the last meeting she had mentioned the situation of Commissioner Watkins being on active duty. She stated that since that meeting, she has talked to his wife, and has learned that he may be returning to the County sooner than previously expected. Therefore, Supervisor Comer noted that she would like to wait another month before taking further action.

MOTION:

Supervisor Allen Cubbage moved to reappoint Mr. Louis Bosley, Jr. to the

Page County Planning Commission effective February 12, 2002, with the

term to expire February 12, 2006.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Allen Cubbage, Robert Good, Nora Belle Comer,

Gerald Cubbage, and Elaine Mayberry.

NAYS: None

MOTION:

Supervisor Comer moved to appoint Mrs. Janet Nichols to the

Northwestern Community Services Board of Directors, effective

February 12, 2002.

Supervisor Allen Cubbage seconded. The motion was carried by

a vote of 5-0.

AYES: Allen Cubbage, Robert Good, Gerald Cubbage,

Elaine Mayberry, and Nora Belle Comer.

NAYS: None

Chamber funding:

Chair Mayberry reminded the Board that Supervisor Allen Cubbage had voiced a request for a report on

the Chamber funding at a previous meeting. Staff was then directed to follow up on returning with a report.

Davenport contract:

Chair Mayberry noted that the contract had yet to be finalized, adding an additional directive to staff for completion of contract by the end of the week.

Grandview farms contract:

Discussion took place pertaining to the renewal of the disposal agreement for dead animals between the County and Grandview Farms. Rodger Smith indicated that he had everything that was needed to renew the contract should the Board move to approve.

MOTION:

Supervisor Gerald Cubbage moved to approve the contract with

Grandview Farms for the disposal of dead animals, and to further

authorize the Chair to execute the contract.

Supervisor Allen Cubbage seconded. The motion was carried by a

vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Nora Belle Comer,

Gerald Cubbage, and Allen Cubbage.

NAYS: None

Enter closed session: 3:38 p.m.

MOTION:

Supervisor Comer moved that the Page County Board of Supervisors

convene a closed meeting under the Virginia Freedom of Information

Act in order to discuss personnel, property acquisition and legal matters.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Gerald Cubbage, Allen Cubbage,

Elaine Mayberry, and Nora Belle Comer.

NAYS: None

Exit closed session: 4:45 p.m.

MOTION:

Supervisor Comer moved the closed meeting be adjourned and the

Page County Board of Supervisors convene again in open session.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Allen Cubbage, Gerald Cubbage,

Nora Belle Comer, and Elaine Mayberry.

NAYS: None

Certification of closed session:

"To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting."

MOTION: Comer SECOND: Good

The following resolution was adopted by the Page County Board of Supervisors following a closed meeting held February 12, 2002 on motion of Supervisor Comer, seconded by Supervisor Good and carried by the following vote:

AYE NAY ABSENT ABSTAIN

Nora Belle Comer X

Elaine Mayberry X

Gerald M. Cubbage X

Allen J. Cubbage X

Action from closed session:

There was no action from closed session.

Recess:4:55 p.m.

The Board of Supervisors recessed for dinner.

Reconvene: 6:30 p.m.

Chair Mayberry reconvened the meeting of February 12, 2002 noting that it may be necessary for the Board to enter into closed session before 7:00 p.m.

Citizen comments:

Lee McWhorter-

Mr. McWhorter addressed the Board stating that he was a concerned citizen from district three, continuing to state that he was present at the trash truck spill. Mr. McWhorter wanted to inform the Supervisors that he noticed medical waste in the trash associated with the spill. It was his understanding, that only Page County residents would be permitted to bring in medical waste.

Mr. Ted Kelly-

Mr. Kelly addressed the issue concerning the racetrack. Mr. Kelly stated that this ordinance change has been made to suit only one person, and that six state agencies would still need to be involved concerning the special use permit.

Mr. John Rodgerson-

(Allotted six minutes due to shortage from last meeting)

Mr. Rodgerson addressed the Board announcing that at the last meeting his time was cut short, and further informed the Board that they were on notice that he will notify the Justice Department should this ever happen again. He closed in commenting on other issues such as tax increase, school system, trash trucks, redistricting, and the Board of Supervisor's public relations with the towns, and citizens.

Ms. JoAnn Smeltzer-

Ms. Smeltzer opened her comments about the warning letter from DEQ dated February 6, 2002, regarding four violations. The violations were mainly concerning the lack of daily coverage on the

landfill, which enables trash to blow around. Ms. Smeltzer ended by stating that the Supervisors may think that they are out of the trash business, as they have stated, but being the permit holder keeps the county in the trash business.

Mrs. Barbara Coulter-

Mrs. Coulter addressed the Board noting that under the current DFA agreement, hauling permits were required by any entity bring trash into the landfill. Mrs. Coulter said that she would like more information regarding the hauling permits. Information she would like to have included which office is handling the permits, who is in charge of the permits, where the permits are filed, who is checking permits before they enter the scales, and is there a county employees involved in all of this procedure. Mrs. Coulter concluded her comments in stressing her concerns regarding safety of trash being hauled over the mountain.

Ms. Doris Lansberry-

Ms. Lansberry addressed the Board to acknowledge that she still stands on the previous letter sent to the Board regarding legality of the current DFA. Ms. Lansberry informed the Board that on her way to the meeting, she heard on the radio that the County would be receiving additional money from the landfill now that the new contract was in place. A portion of this money would be given to the rescue squads. Mr. Lansberry noted that she found it strange that it would be given to the rescue squads, stating that it was almost like the Board was foreseeing problems regarding health concerns in the future.

New Business:

There was no new business noted on the agenda, however, Chair Mayberry said that on return from the Chairman's Institute, she would like the Board to consider implementing a Strategic Plan for the County. Now that the Comprehensive Plan has been completed, this would be the next step towards their goals. Chair Mayberry noted that she would like to involve as many citizens in this plan as possible.

Supervisors time:

Supervisor Allen Cabbage-

Supervisor Allen Cabbage stated that it was made clear during Legislative Day, that there would be cutting of funds through the state level. Supervisor Cabbage noted that they would have to work through this the best that they could, since it was certainly going to seriously impact Page County.

Supervisor Gerald Cabbage-

Supervisor Gerald Cabbage stated that since the state will apparently be cutting back funds, it was only clear that they will have to cut back at the county level also. Supervisor Cabbage concluded by saying that it was time to be more frugal with the tax payers' money, and the Board could start by sending the

newly purchased time clock back.

Supervisor Nora Belle Comer-

Supervisor Comer stated that she was in full agreement that the message received in Richmond had been made very strong regarding cut backs at the state level of funding.

Chair Mayberry-

Chair Mayberry stated that she had obtained a NACo alert, that there is legislation in Congress that will provide \$1.5 million in support to help state and local governments in developing comprehensive plans to prepare and respond to terrorist attacks. It will also have \$2.2 billion for equipment, \$1.1 billion to train fire fighters, police, sheriffs, and emergency techs. Chair Mayberry voiced that hopefully this would filter down to the local level to where Page County could benefit from it.

Chair Mayberry informed the citizens and fellow board members that during Legislative Day in Richmond she had attended the Chairman's Institute, along with seventeen other newly appointed Chairmen. The seminar covered training topics such as county government, structure, powers, duties, chairman issues, internal and external relationships, and communication. Chair Mayberry acknowledged that she found the seminar very informative and beneficial. She concluded in voicing that hopefully this would help her become a more effective and efficient Chairman.

Mr. Beler arrived at the meeting with Mr. Matt Mattews from McGuire Woods LLP.

Public hearing: 7:00 p.m.

(Special use permit for the purpose of communication towers)

Chair Mayberry opened the public hearing requesting Mr. Aleshire read the advertisement for public hearing, and asked if anyone would like to speak in favor or opposition of the application for a special use permit.

Mr. Lee McWhorter-

Mr. McWhorter stated that he was in favor of allowing for these communication towers to be erected within the county. Mr. McWhorter felt that if citizens were going to continue to use cellular phones, and the demands of modern technology, that the County would have no choice but to establish these towers.

Mrs. Barbara Coulter-

Mrs. Coulter stated that the Board had no choice concerning these towers, that by law, they had to allow for them. Mrs. Coulter felt that it would be in the county's best interest if the Board would let the

Planning Commission revisit this issue to set restrictions on the towers if it would deem necessary.

Ms. Valerie Long-

Ms. Long addressed the Board stating that she was representing a wireless company known as Suncom. She noted that she would like to echo the previous comments, and offer any answers to questions that the Board may have concerning the height or limits of service for the towers.

Chair Mayberry closed the public hearing and opened the floor to discussion from the Supervisors. Supervisor Comer showed concern over the disruption of aesthetics that these towers may bring to the county. Discussion continued between the Supervisors regarding what studies the Planning Commission had done, and what restrictions could possibly be put in the ordinance to protect the County.

MOTION:

Supervisor Good moved to approve the amendments to the zoning

ordinance as advertised to allow tower facilities or structures by special use permit for the purpose of communications with the effective date of February 13, 2002.

Supervisor Comer seconded. The motion was carried by a vote of 4-1.

AYES: Elaine Mayberry, Robert Good, Gerald Cubbage,

and Nora Belle Comer.

NAYS: Allen Cubbage

MOTION:

Supervisor Comer moved the approval to instruct the Planning

Commission Sub-Committee to further study and report back to the

Board, taking a special look at height requirements and restrictions to

multi-use communication towers.

Supervisor Gerald Cubbage seconded. The motion was carried by a

vote of 5-0.

AYES: Robert Good, Nora Belle Comer, Allen Cubbage,
Gerald Cubbage, and Elaine Mayberry.

NAYS: None

Enter closed session: 7:30 p.m.

Supervisor Comer moved that the Page County Board of Supervisors
convene a closed meeting under the Virginia Freedom of Information Act in
order to discuss personnel and legal matters.

Supervisor Allen Cubbage seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Allen Cubbage, Gerald Cubbage,
and Nora Belle Comer.

NAYS: None

Exit closed session: 10:00 p.m.

Supervisor Comer moved the closed meeting be adjourned and the
Page County Board of Supervisors convene again in open session.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Allen Cubbage, Gerald Cubbage,
Nora Belle Comer, and Elaine Mayberry.

NAYS: None

Certification of closed session:

"To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting."

MOTION: Comer SECOND: Good

AYE NAY ABSENT ABSTAIN

Nora Belle Comer X

Elaine Mayberry X

Gerald M. Cubbage X

Allen J. Cubbage X

Robert P. Good X

Action from closed session:

Action on the Gypsy Moth/Litter Coordinator, and Custodian position will be deferred until 02-26-02 work session.

Recess: 10:15 p.m.

The Board of Supervisors meeting recessed to the February 26, 2002 work session.

CHAIR COUNTY ADMINISTRATOR

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